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Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
KEVIN DUGAN,  
Defendant.

No. CR 03-20010 RMW

STIPULATION AND ORDER SETTING MATTER FOR STATUS AND SUSPENDING BRIEFING SCHEDULE

This matter is currently set for a hearing on Monday, October 14, 2008 on defendant's various filings in support of his motion for a new trial. The Government's opposition to defense counsel Dennis Riordan's supplemental memorandum in support of defendant's motion for a new trial ("the Riordan supplemental memorandum") is currently due this Friday, September 26, 2008. This matter is also currently scheduled for the defendant's sentencing on Monday, November 3, 2008. For reasons summarized below, the parties now jointly request that this matter be placed on the Court's criminal duty calendar this upcoming Monday, September 29, 2008, at 9:00 a.m. and that the briefing schedule for the Government's opposition to the Riordan supplemental

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1 memorandum be suspended in the interim.

2 Earlier today on September 24, 2008, defendant Dugan filed his own separate 31  
3 page supplemental memorandum in support of a motion for a new trial (“the Dugan  
4 supplemental memorandum”). The Dugan supplemental memorandum raises a number of  
5 substantive issues that were not raised in the Riordan supplemental memorandum.  
6 Defendant Dugan has also separately filed a motion for reconsideration of this Court’s  
7 detention order. After a review of defendant Dugan’s recent filings, undersigned  
8 government counsel is concerned that there may now be uncertainty regarding which of  
9 the various defense new trial motion filings are the operative ones before the Court.  
10 Undersigned government counsel is also concerned that defendant Dugan’s recent filings  
11 have created a situation which, unless clarified, prevents an efficient allocation going  
12 forward of the time and resources of the Court, the government, defense counsel, and the  
13 defendant. After conferring with government counsel earlier today, undersigned defense  
14 counsel Riordan does not object: (1) to putting the matter on for status before the Court as  
15 soon as possible; (2) to suspending the briefing schedule regarding the Riordan  
16 supplemental memorandum in the interim; (3) to potentially modifying that briefing  
17 schedule in light of recent developments to give the government a short additional period  
18 of time in which to file its opposition. It is the parties’ understanding that the Court is  
19 available this upcoming Monday, September 29, 2008 at 9:00 a.m.,.

20 In light of the above, the parties agree, and the Court finds and holds, as follows:

21 1. This matter is set for status on the issue of defendant’s new trial motion for  
22 Monday, September 29, 2008 at 9:00 a.m.

23 2. The briefing schedule on the Riordan supplemental memorandum is suspended  
24 in the interim.

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3. The currently scheduled sentencing date of November 3, 2008 at 9:00 a.m. shall remain in effect.

SO STIPULATED:

DATED: 9/24/08

/s/  
DENNIS RIORDAN  
Defense Counsel

DATED: 9/24/08

/s/  
JOSEPH A. FAZIOLI  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 9/25/08

*Ronald M. Whyte*  
RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE